

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER  
JULY 14, 2009**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, July 14, 2009, in the Council Chambers of City Hall located at 610 Main Street.

**CALL TO ORDER**

Presiding Officer Mayor William J. Schmitt called the meeting to order at 8:00 a.m.

**ROLL CALL**

Mayor William J. Schmitt	Present
Board member Thomas R. Schmidt	Present
Board member Ambrose 'Butch' Schitter	Present

Also present were Police Chief Douglas Tarvin, Street Commissioner Raymond Eckerle, City Engineer Chad Hurm, Building Commissioner David Seger, Fire Chief Kenneth Hochgesang, Personnel/Safety Director Charles Schneider, City Attorney Sandra Hemmerlein, and Clerk-Treasurer Juanita S. Boehm.

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the board members must be present. All three board members were present; therefore, there was a quorum for the meeting.

**PLEDGE OF ALLEGIANCE**

Mayor Schmitt invited all those present to join him in reciting the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

The board members examined the minutes of the regular meeting held on June 23, 2009. A **motion** was made by Thomas Schmidt and seconded by Mayor Schmitt to approve the minutes without corrections. Motion carried 3-0.

**STREET DEPARTMENT TELE-HANDLER QUOTES**

Street Commissioner Raymond Eckerle said he sought quotes for a new Tele-Handler for the Street Department less the trade-in of a 2004 Bobcat V723 Versa Handler. City Attorney Sandra Hemmerlein then opened and read the following sealed quotes:

<b>Wayne Supply Co.</b> Caterpillar	Non-Collusion affidavit enclosed
\$71,732.00 base price	
<u>-16,000.00</u> less trade-in	
\$55,732.00 net price	
 <b>Stone &amp; Stemle</b> 2009 Monitou	<b>Hopf Equipment</b>
\$83,193.19 unit price	\$61,057.00
<u>-30,000.00</u> trade-in	<u>-21,500.00</u> trade-in
\$53,193.19 net price	\$39,557.00 net price

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to take the quotes under advisement and have the street commissioner review them and report back at the next meeting. Motion passed 3-0.

### **TEMPORARY BIN FOR GLASS**

Dubois County Highway Superintendent Steve Berg asked permission to build a temporary storage bin for glass on a paved area at the old landfill until a new bin is built at the county garage area. The glass that can be recycled is stock piled and then hauled to Evansville. He further stated the anticipated completion date for the new storage bin is September. Mayor Schmitt asked if allowing the bin would interfere with the landfill post closure. Street Commissioner Raymond Eckerle said it would not interfere since the bin will be on pavement.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request of Steve Berg to allow a temporary containment unit for glass at the old landfill site since the County already uses the site to store magazines and newspapers and amend the contract with them for use of the area until the end of December. Motion passed 3-0.

### **PORTABLE STORAGE UNIT AT OLD LANDFILL**

Doug Lukemeyer, Past President of RC Flyers, asked permission to put a portable storage unit at the old landfill so they can store lawn mowers and maintenance equipment. He showed a photo of the moveable box type trailer they are considering buying. He also said they may place the unit west of the shelter house or near the portable potty. Building Commissioner Dave Seger said if the box trailer is going to be located there longer than six months it is considered a permanent structure and RC Flyers will need to obtain a building permit. City Attorney Sandra Hemmerlein recommended the City prepare an agreement with RC Flyers.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request of RC Flyers to put a storage facility at the old landfill on condition we enter into a contract, the location where it sets meets with the approval of the street commissioner and building commissioner, and they meet all other requirements of the City. Motion passed 3-0.

### **ALLEY CLOSING**

Chris Book, representing Messmer Mechanical Inc, said a sanitary sewer at 1428 Leopold Street needs to be replaced. He asked permission to close the alley between Leopold and Greene Streets tomorrow if possible in order to make the repair. Book estimated the alley would need to be closed for six hours.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request of Messmer Mechanical Inc. to close the alley at 1428 Leopold Street located between Leopold & Greene Streets. Motion passed 3-0.

### **BLOCK PARKING SPACES ON THE SQUARE**

Jeff Boeckman, representing Boeckman's Furniture, asked permission to block off two or three parking spaces in front of his store located on the Square in order to paint the upper level of the store. Boeckman said he would like to start this week so he can have the work done before the Strassenfest.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to allow Boeckman to block off three parking spaces in front of his store during renovation. Motion passed 3-0.

Under discussion, Boeckman said the side walk would remain open. Mayor Schmitt told Boeckman that if he needs to block off the sidewalk, then do so.

### **PERFORMANCE BOND-MAPLE RIDGE ESTATES**

Kenneth Jacob, representing Maple Ridge Estates a subdivision located west of Whoderville Road, requested permission to get an extension on the performance bond because the surface coat of black top still needs to be placed on the road.

Building Commissioner Dave Seger said since this road is not in the City, he spoke to Dubois County Highway Superintendent Steve Berg about whether they want the final coat put on the road now or wait until more houses are built so the big trucks do not tear up the road. According to Seger, Berg said the County does not have a problem if the Jacob family paves the road now. Mayor Schmitt said the City's preference is that the developers go ahead and blacktop it.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to require the completion of the subdivision by finishing the road surfacing within 30 days, August 11, 2009, and if it does not happen then provide us with a new performance bond and security within thirty days. Motion passed 3-0.

### **PERFORMANCE BOND RELEASE-MAPLE RIDGE ESTATES**

Mayor Schmitt presented a subdivision performance bond release form for Maple Ridge Estates. The bond was for excavation and rock and was signed off by Steve Berg on behalf of the County of Dubois.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to release the performance bond for the Maple Ridge Estates subdivision for rock and excavation. Motion passed 3-0.

### **BIKE PATH SAFETY CONCERNS**

Merrill Osterman requested a safety review of the new multiuse path along St. Charles Street in front of Jasper High School. Osterman stated that he has been an avid biker for 20 years and was biking with his family when his daughter had an accident by one of the concrete bollards located in the path way and she was taken to the hospital. He gave a description of the accident and stated his three concerns as a bicyclist; (1) obstruction in the path, (2) color of bollards, and (3) the potential to run in front of drivers because one may watch the bollards and not the traffic.

Different photo angles of the path were shown. Mayor Schmitt said at every crossing there are stop signs. The bollards, which are a requirement, are set there to keep motorists off the path. Schmitt said the City will look into ways we can better mark the bollards to make them more visible such as painting them yellow or using reflective tape.

### **YOUNG LIFE RUN/WALK**

Debbie Hopf, representing Young Life, requested permission to have a 5K Run/Walk on Saturday, September 19, 2009 with registration at 7:00 a.m. and the run/walk starting at 8:00 a.m. Hopf stated that at this time the exact route has not been finalized. She said she was waiting for a call back from Dr. Norris, from the Health Pointe, but tentatively the race could begin at the Patty Brosmer residence located at 1333 20<sup>th</sup> Street, then travel on 20<sup>th</sup> Street to St. Charles Street, north on St. Charles Street to 36<sup>th</sup> Street and return back.

Mayor Schmitt said they picked a route that is heavily traveled and has a 30 mph speed limit. Where 20<sup>th</sup> Street comes out onto St. Charles Street is at the crest of a hill. Hopf said the run/walk could start at the high school thus eliminating crossing St. Charles Street at 20<sup>th</sup> Street. Schmitt suggested Hopf get with the police chief to work out the details. City Attorney Sandra Hemmerlein stated the present waiver needs verbiage added that will waive the City of Jasper from liability.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the date of September 19, 2009 and the time of 7:00 a.m. for registration to completion, come back with more details, and contingent they follow up on all requirements of the City. Motion carried 3-0.

### **SIDEWALK TABLES & CHAIRS AT LET'S DO LUNCH**

Kitty Merkley, owner of Let's Do Lunch located at 617 Main Street, said she wants to have some outdoor seating in front of her restaurant. She asked permission to put two bistro tables with two or three chairs at each table on the 10' sidewalk next to the Impulse store located on the Square. She showed a photo of where the tables would be placed. She said six feet of the sidewalk which is required would still be clear for pedestrian traffic.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request on the condition that they are maintained properly and the City reserves the right to tell you to remove them if necessary. Motion carried 3-0.

### **JHS STUDENT COUNCIL CLEAN-UP PROGRAM**

Personnel/Safety Director Charles Schneider along with Assistant Park Director Mike Oeding stated they had met with the Greater Jasper Consolidated School staff and are asking permission to engage with the Student Council on a project to keep the River Walk and Plaza area clear of trash and debris. The program would involve 60-70 students in grades 9 to 12 to clean up two times a month for a 12 month period. There would be adult supervision to monitor the students. The students would sign a waiver prior to participation. He further stated that Devon Rottet and Donna Hopkins are in charge of the program. Ambrose 'Butch' Schitter expressed concern about staying away from the river. Mayor Schmitt said this is a great opportunity and the City should capitalize on it.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the request and enter into a program with Jasper High School and have the Student Council pick up trash and debris at the River Walk area subject to signing waivers. Motion carried 3-0.

### **TRENCH RECOVERY ASSISTANCE PROGRAM**

Personnel/Safety Director Charles Schneider reported that the City's Safety Committee developed a Trench Recovery Assistance Program [TRAP] that will be implemented. The purpose of the program is to provide assistance to the Jasper Fire Department by delivering trenching and shoring equipment to the location of the trench entrapment rescue site. When the fire department is called out, the TRAP Team will also be called out so the shoring equipment is simultaneously delivered to the site.

### **STREET DEPARTMENT REPORTS**

**Salt Bids.** Street Commissioner Raymond Eckerle reported that the City participated in the State salt bid. For the 2009-2010 season, the North American Salt Co. was the successful bidder at

\$60.00 per ton. The City pledged 1,000 tons and will have to purchase at least 800 tons of salt this season.

**Milling & Paving for July.**

Church Avenue from 3<sup>rd</sup> Avenue to Giesler Road – July 20<sup>th</sup>  
5<sup>th</sup> Street to St. John's to highway  
Hopf Avenue and 3<sup>rd</sup> Avenue completed yesterday  
Clay Street – working now  
Mill Street – tomorrow

**Price increase in black top.** Eckerle said he received a notice of a price increase in asphalt from suppliers J.H. Rudolph and Tri-County Paving.

**INDOT.** Eckerle stated that INDOT asked permission to limit access on SR 164 from 6<sup>th</sup> Street to the bridge so they can do milling at night.

**Sidewalks.** Eckerle asked homeowners and business owners to maintain their sidewalks by removing weeds before the Strassenfest. He said the sidewalks need to be maintained on a regular basis.

**JUNK COMPUTER**

Street Commissioner Raymond Eckerle asked permission to junk an old computer, asset #100490, which has been replaced.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request of the street commissioner to junk an old computer, asset #100490. Motion carried 3-0.

**PERFORMANCE BOND RELEASE – BRENTWOOD ESTATES**

Mayor Schmitt said he had a performance bond release form for Brentwood Estates, Allan & Judith Holweger developers. Building Commissioner Dave Seger said all work is completed and the subdivision is finished. There are two bonds, one for storm sewers and lake and the other one is for streets.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to release the performance bond for Brentwood Estates. Motion carried 3-0. [Note: the official name of the subdivision is Brentwood Subdivision Phase I]

**BROOKSTONE ESTATES II**

City Attorney Sandra Hemmerlein reported that a new letter of credit and performance bond was received from Kerstiens Development on June 26, 2009 and they are requesting a one year extension on the bond for Brookstone Estates II until June 18, 2010.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to extend the performance bond to June 18, 2010 for Brookstone Estates II, Kerstiens Development, Inc. developer. Motion carried 3-0.

**ENCROACHMENT REQUEST**

City Engineer Chad Hurm said the City received an encroachment request from Kerstiens Development, Inc. Kerstiens is developing Lot 3 in Man Acres Estates which is bordered by

Reyling Drive, Manor Drive, and 36<sup>th</sup> Street. They plan to build five, two-unit condominium dwellings which would require retention on the property. They are proposing to put a detention basin on the west side of Lot 3 that would encroach upon a public utility and drainage easement.

Hurm said the request came in at 4:00 p.m. on Thursday and there is a seven day allowance for comments from department heads to come in, but Kerstiens is asking the City to expedite the process. Hurm read the following comments received from the various departments but added that some questions still remain:

Electric Dept. This encroachment will not interfere with the electric department's ability to serve and no problem in granting the request to encroach.

Street Dept. This development should have little impact on the streets in this area. The storm sewer at 36<sup>th</sup> & Hartford should handle the restricted flow from the retention. It should be noted that there is only 15' between the buildings and the retention which will allow standing water during heavy rains within 15' of the Condos, will residents be prepared for water this close to their homes. The East side of the retention appears to be outside of the 40' easement.

City Engineer Has a concern with the proximity of the basin to the 3 west units. There is the potential for standing water within 15' of the back doors.

Wastewater This should not cause any problems in the future.

Building Comm There are other ways to accomplish this. This easement is 10' from the rear of some duplexes.

Storm Water (as per discussion with Chad Hurm) to add a riser to the man hole to take the elevation to over the riser and spill way elevation would be necessary.

Gas & Water Not a problem for the water main and services. They are being installed between the buildings along the private drive. If gas is installed at a later date, a location will have to be found that doesn't cross the retention pond. If such a location can be found, we could service future buildings with natural gas. The first unit will be total electric.

Police Dept Whose responsibility is it going to be to maintain the retention area after the area is developed for the proposed Condos and also the safety of the children who will reside there.

Mayor Schmitt said this is an encroachment request. The other issues will have to be addressed in the erosion control plan.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the request for encroachment subject to signing and recording the encroachment agreement and working out all the details required on the storm water management plan and erosion control plan for Man Acres Estates Lot 3 and on condition the owner must install at their expense a casting ring on the sanitary sewer manhole located in the easement during construction of the retention basin. Motion carried 3-0.

### **MILL PROJECT CHANGE ORDERS**

City Engineer Chad Hurm presented five change orders for the Mill project, INDOT Contract No. R-28096-B. He explained the need for each change and asked the Board for its approval.

Change Order No.0816 add \$ 2,250.00

Change Order No.0817 add \$ 3,120.00

Change Order No.0818 add \$ 805.00

Change Order No.0819 add \$ 3,775.00

Change Order No.0820 add \$18,500.00

Total cost of the change orders is \$ 28,450.00

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to approve the change orders as described by the city engineer. Motion carried 3-0.

### **VEHICLE QUOTES**

Police Chief Douglas Tarvin said at the last meeting quotes for two 2010 police vehicles less the trade in of a 2000 and a 2001 police car were taken under advisement. The net price from Ruxer Ford was \$37,988.00 after excluding \$78.00 for the full size wheel cover and the net price from Uebelhor and Sons which was the low quote was \$37,576.00. Tarvin said both manufacturers met the required specifications and the difference in the two quotes is \$412.00. He said Uebelhor's has the low quote but there have been issues with the brakes and rotors on the 2008 and 2009 Chev Impalas purchased from Uebelhor's. Tarvin recommended accepting the quote from Ruxer Ford for two Ford Crown Victorias because additional money has been spent for maintenance on the 2008 and 2009 Impalas.

Mayor Schmitt said Tarvin makes a very compelling argument but how can we not accept the low quote if it meets the specifications. If there is a problem again with these cars then we tell the dealer we will not ask for quotes from them again. Also, we do not know if we will have problems with the Crown Victorias.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to accept the low quote of \$37,576.00 from Uebelhor & Sons. Motion carried 3-0.

### **MEMORANDUM OF UNDERSTANDING**

Assistant Police Chief Nathan Schmitt said two EMTs from Memorial Hospital have been added to the Emergency Response Team [ERT]. City Attorney Sandra Hemmerlein said there is an interlocal agreement with other local government entities but since the hospital is not a government entity, there needs to be a Memorandum of Understanding. She asked the Board for its approval.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to enter into a 'Memorandum of Understanding' between Memorial Hospital and the City of Jasper, Towns of Huntingburg, and Ferdinand, and Dubois County. Motion carried 3-0.

### **HIGH WEED COMPLAINTS**

Fire Chief Kenneth Hochgesang reported to the board the name of a property owner and the location that has been cited under 5.12.040 weed removal/notice. The name and location is as follows:

<b>Owners</b>	<b>Location</b>
S. Corporation	10 <sup>th</sup> & Emily Arbor Place Lot 1

### **FIRE DEPARTMENT REPORT**

Fire Chief Kenneth Hochgesang presented the Jasper Fire Department Vehicle Maintenance Report for May 2009.

### **STATION DUTY CHANGE**

Fire Chief Kenneth Hochgesang reported that some of the firefighters' weekend station duty hours have changed. The Saturday hours from 1:00 p.m. to 6:00 p.m. will remain the same.

Currently the Sunday hours are from 9:00 a.m. to 6:00 p.m. and are being changed to 9:00 a.m. to 3:00 p.m.

**1998 Ford Truck.** Fire Chief Hochgesang reported that truck #5 had a new computer put in after it was having some computer issues. He said the truck is acting up again so Ruxer Ford is looking at it now.

#### **EASEMENTS**

City Attorney Sandra Hemmerlein presented the following easements for acceptance and approval:

##### *Grant of Permanent Electric Utility Easement*

Gregory A. Nordhoff – Part of Lot 73 in Meridian Meadows

Roberto A. Lopez & Maria D. Lopez – Part of Lot 74 in Meridian Meadows

GEESCO, LLC by Bradley R. Smith – Part of Lots 75 & 76 in Meridian Meadows

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to accept the easements as described by the City Attorney. Motion carried 3-0.

**CLAIMS.** Claims against the City from June 5, 2009 to July 9, 2009 were presented to and examined by the board. Those claims found to be just, due and owing were approved 3-0 upon **motion** by Thomas Schmidt and seconded by Ambrose ‘Butch’ Schitter.

‘*HAPPY BIRTHDAY*’ was sung to Building Commissioner David Seger

**ADJOURNMENT.** There being no further business to come before the board, a motion was made by Thomas Schmidt and seconded by Ambrose ‘Butch’ Schitter to adjourn the meeting. The motion carried 3-0 and the meeting adjourned at 10:55 a.m.

The minutes were hereby approved \_\_\_\_ with   X   without corrections or clarification this 28<sup>th</sup> day of July, 2009.

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**Mayor William J. Schmitt**  
**Presiding Officer**

**Attest:**

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**Juanita S. Boehm, Clerk-Treasurer**

Margaret A. Kress Recording Secretary